

Agenda Item #

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Distribution

County Board

Dept. of Plng., Bldg & Dev. (4)

STATE OF ILLINOIS

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COUNTY OF LAKE

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No. #3732

Newport Township

COUNTY BOARD, LAKE COUNTY, ILLINOIS
September 9, 2008

MADAM CHAIRMAN AND MEMBERS OF THE COUNTY BOARD:

Your Planning, Building and Zoning Committee presents herewith a Resolution on Zoning Case No. 3732, which consists of the Petition of County of Lake and Great Lakes Disaster Training Facility, Inc. relative to a request for a Conditional Use Permit to allow a public safety training facility. The Department of Planning, Building and Development recommends the petition be approved. On the motion "to approve" the prayer of the petitioner, the Zoning Board of Appeals vote is 6 "Ayes" and 0 "Nays"; the Planning, Building and Zoning Committee vote is 6 "Ayes" and 0 "Nays".

o A "Aye" vote on the motion shall operate in favor of the prayer of the petitioner.

o A "Nay" vote on the motion shall operate against the prayer of the petitioner.

Respectfully submitted,

Samuel D. Reed Aye Nay ✓
CHAIRMAN

Judy Martini ✓
VICE-CHAIRMAN

Robert Sabong ✓

[Signature] ✓

Stinson Martini X

Randy Whitmore ✓

RESOLUTION

WHEREAS, a public hearing has been held by the Lake County Zoning Board of Appeals pursuant to the Statutes of the State of Illinois on the petition of County of Lake and Great Lakes Disaster Training Facility, Inc. relative to a request for a Conditional Use Permit to allow a public safety training facility for the following real estate, to-wit:

THE WEST HALF OF THE WEST FRACTIONAL HALF OF SECTION 3, TOWNSHIP 46 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN LAKE COUNTY, ILLINOIS.

P.I.N.: 03-03-300-001

WHEREAS, your Department of Planning, Building and Development duly considered the aforesaid petition and recommends that it be approved; and

WHEREAS, your Zoning Board of Appeals, after reviewing the testimony presented at the public hearing on the aforesaid petition, has submitted its report thereon to the County Board and its report recommends by a vote of 6-0 that the petition be granted subject to the conditions contained in their recommendation; and

WHEREAS, your Planning, Building and Zoning Committee duly considered the petition and reports aforescribed and recommends by a vote of 6 to 0 that the petition be granted subject to the conditions attached hereto as Exhibit A. Motion by Member Whitmore, seconded by Member Martini, to grant the petition. Voting "Aye": Members Martini, Sabonjian, Leafblad, Mountsier, Whitmore and Newton; voting "Nay", none.

NOW, THEREFORE, BE IT RESOLVED by the Lake County Board, that the prayer of the Petitioner be granted and that the above described real estate shall be issued a Conditional Use Permit to allow a public safety training facility in accordance with and subject to the conditions contained in Exhibit A; and

BE IT FURTHER RESOLVED that the County Board accepts the findings of the Zoning Board of Appeals and adopts them as its own; and

BE IT FURTHER RESOLVED, that the Secretary of said Zoning Board of Appeals be instructed to notify the petitioner as to the action taken by the Board.

EXHIBIT A

LAKE COUNTY ADVANCED RESPONSE TRAINING ACADEMY

CONDITIONAL USE PERMIT STANDARDS & REQUIREMENTS

GENERAL MATTERS

- A. Property. The "Property" shall be the following described parcel which, unless otherwise noted, includes the Sheriff's Parcel:

THE WEST HALF OF THE WEST FRACTIONAL HALF OF SECTION 3, TOWNSHIP 46 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN LAKE COUNTY, ILLINOIS.

The "Sheriff's Parcel" shall be the following described parcel:

THAT PART OF THE WEST HALF OF THE WEST FRACTIONAL HALF OF SECTION 3, TOWNSHIP 46 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN LAKE COUNTY, ILLINOIS. MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE NORTHWEST CORNER OF THE WEST HALF OF THE WEST FRACTIONAL HALF OF SECTION 3, TOWNSHIP 46 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, THENCE N 89°34'23" E A DISTANCE OF 80.00 FEET; THENCE S 00°10'52" W A DISTANCE OF 180.00 FEET TO THE POINT OF BEGINNING; THENCE N 89°53'53" E A DISTANCE OF 347.00 FEET; THENCE S 40°58'14" E A DISTANCE OF 418.67 FEET; THENCE S 00°15'45" W A DISTANCE OF 453.78 FEET; THENCE S 89°58'50" E A DISTANCE OF 621.87 FEET; THENCE N 00°10'52" E A DISTANCE OF 770.00 FEET; TO THE PLACE OF BEGINNING ALL IN LAKE COUNTY, ILLINOIS.

- B. Applicability. Lake County recognizes the special and unique characteristics of a Public Safety Training Facility within Lake County, Illinois and its importance to the citizens of the United States of America and in particular the citizens of Lake County, Illinois. It is further recognized and expected by Lake County, Illinois that the not-for-profit operator of the Public Safety Training Facility as well as its economic and business supporters will be making substantial financial commitments and expenditures materially changing each of their positions in reliance on the terms of this Conditional Use Permit (this "CUP").
- C. Use. The Property may be used to construct, develop, maintain and operate a Public Safety Training Facility for the coordinated health, safety, welfare and disaster training of public officials, public employees, supervised members of the general public, and private parties and their designees, and for no other purpose. Lake County,

Illinois recognizes and acknowledges that a Public Safety Training Facility and its use must remain flexible in order to be able to accommodate the ever changing dynamics of protecting the general public. Consistent with the provisions of Paragraph B, this County Board in approving this CUP expresses its expectation that future County Boards will refrain from taking actions which would materially impair the ability to continue to use and operate the Property as a Public Safety Training Facility in the future.

- D. Use of the Sheriff's Parcel. So long as the Sheriff's Parcel is in the actual possession of Lake County, such portion of the Property may be used as a shooting range including but not limited to training invitees in the use of pistols and other firearms and tactical and other police training for Sheriff's deputies or other public law enforcement officials.
- E. Special Improvements. For the purposes of this CUP, Special Improvements shall include emergency vehicle operations course (EVOC), ancillary improvements directly related to the operation of EVOC such as a garage for storage and repair of vehicles (even though theoretically habitable), helicopter landing pads, showers, toilets, permanent foundations for Trade Props and stormwater retention or detention facilities. The County Board may, from time to time, solely upon the application of the owner or tenant of that portion of the property in which Special Improvements may be located, designate other improvements as Special Improvements.
- F. Impervious Surface Calculations. The total Impervious Surface for the Property, excluding the Sheriff's Parcel, shall be no more than 1,537,000 square feet (35.284 acres). The total Impervious Surface for the Sheriff's Parcel shall be no more than 215,590 square feet (4.949 acres). If the Sheriff's Parcel is not in the possession of the County, then the total Impervious Surface for the Property shall be no more than 1,752,590 square feet (40.233 acres).
- G. Design for Maximum Impervious Surface for Stormwater Retention or Detention. Any and other term of any Lake County ordinance now or in the future to the contrary notwithstanding but consistent with the requirements of Paragraph I below, prior to the issuance of any required Building Permit or required Certificate of Occupancy relating to all or any part of the Property or as otherwise required by this CUP, the applicant must exhibit to the satisfaction of the Lake County Engineering and Environmental Services Division, applicant's ability to provide sufficient stormwater retention and detention located on the Property to sustain the Impervious Surface total set forth in Subparagraph E above, relating to the Property, notwithstanding the fact that all Permanent Improvements, Trade Props, Temporary Structures or Special Improvements which may be located on the Property from time to time are not yet contemplated or constructed. Such stormwater retention or detention capacity without modification shall be maintained at all times by the applicant

or applicant's successor and shall be consistent with the Site Development Permit issued pursuant to Paragraph I below. Prior to the initial use of all or any part of the Property for Trade Props, Temporary Structures or Special Improvements and from time to time thereafter, at the reasonable request of the County, the applicant must exhibit to the satisfaction of the Lake County Engineering and Environmental Services Division drainage calculations to be used by the County to verify applicant's compliance with the terms of this CUP and the Site Development Permit issued pursuant to Paragraph I below. Any other term of this CUP or any Lake County ordinance or regulation to the contrary notwithstanding, in no event shall the rate, velocity or quality of stormwater runoff from the Property exceed the rate, velocity or quality of the stormwater runoff as of the date of this CUP.

- H. Site Plan Approval. The Conceptual Site Plan and Site Development Plan prepared by _____ and dated _____ establishing Areas A, B and C are hereby approved.
- I. Site Development Permit Requirements. Recognizing the uniqueness of use and the constant and immediate change in site conditions which are regularly created by training exercises, the Property shall be designed as a self-contained parcel for purposes of the UDO. The Engineering ("Engineering") for the Property reflecting grading, soil erosion/sediment control, wetland delineation, mitigation, maintenance or reconfiguration, impervious surface calculations, floor area standards, natural resource protection standards and stormwater management standards prepared by _____, dated _____ evidencing the establishment of standards for compliance with the UDO is hereby approved. A Site Development Permit consistent with the UDO shall be issued by the County simultaneous with the adoption of this CUP. The Site Development Permit shall remain in full force and effect, without amendment or modification, except upon application by the party in possession of the Property (excluding the Sheriffs Parcel), for a term expiring sixty (60) years following the date of issuance of such Site Development Permit.

The improvements shown on the interim plan must be completed and approved by the Engineering and Environmental services Division (E&ES) prior to the establishment of the use. When work beyond that shown on the interim plan is anticipated, the County Administrator's Office and the E&ES Division must be notified. Detention facilities in accordance with the final plan must be completed and approved prior to proceeding with any additional improvements above and beyond those shown on the interim plan. Upon issuance of such Site Development Permit and based on site plan approval set forth in Paragraph H above, absent federal or state mandates requiring changes to such Site Development Permit, no additional Site Development Permit or site plan approval shall be required provided nothing herein shall limit the County's rights to

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continue to enforce the terms of such Site Development Permit. The trenching as noted, along with the erosion control on the interim plan, specifically will be considered part of the established use and will not require additional Site Development Permits.

- J. Design for Erosion and Sediment Control. Any and other term of any Lake County ordinance now or in the future to the contrary notwithstanding, erosion and sediment control for the Property shall be satisfied by the criteria set forth in the Site Development Permit issued pursuant to Paragraph I above. Soil Erosion/Sediment Control measures shall be designed, installed and maintained in accordance with the approved site plan and the approved Site Development Permit issued pursuant to Paragraph I above.
- K. Additional Site Plan Approval. Except as modified by this CUP, further site plan approval consistent with the Lake County UDO shall only be applicable to all Permanent Improvements located within Area A.
- L. No Plat of Subdivision. The County shall not require any Plat of Subdivision for the Property. Where appropriate to implement the purpose of this CUP, the Property (except the Sheriff's Parcel while in the possession of the County) shall be deemed to be one (1) "Lot".
- M. FAR for Property. A maximum Floor Area or Floor Area Factor for the Property, excluding the Sheriff's Parcel, shall not exceed 1,024,670 square feet.
- N. FAR for Sheriff's Parcel. A maximum Floor Area or Floor Area Factor for the Sheriff's Parcel shall not exceed 143,730 square feet.
- O. Total FAR. If the Sheriff's Parcel is not in the possession of the County, then the maximum Floor Area or Floor Area Factor for the Property shall not exceed 1,168,400 square feet.
- P. Berms and Landscaping. No berms or landscaping shall be required to be constructed or located anywhere on the Property including, without limitation, the perimeter of the Property except for the berms and landscaping along Russell Road as shown on the approved Landscaping Plan for the Property. This berm shall be undulating, 10 to 12 feet in height and extend the full width of the property along Russell Road except for an entrance driveway. This berm shall be constructed as part of the initial construction stage.
- Q. Parking. Parking may be located in one or more locations on the Property. No minimum parking requirement shall be applicable to the Property.
- R. Loading. No separate loading areas shall be required.

- S. Noises. A maximum noises standards of 170 db shall be applicable to the Property.
- T. Illinois Accessibility Code. To the extent it is within the control of the County, the terms of the Illinois Accessibility Code or any similar or successor State statute, shall be applicable to Permanent Improvements and Temporary Structures unless waived by the Illinois Capital Development Board.
- U. Density and Dimensional Standards. Density and Dimensional Standards as well as Nonresidential Intensity Standards of the UDO shall not apply.
- V. Open Space. No Open Space requirements shall be applicable other than as approved as part of the Natural Resource Plan in accordance with the approved site plan and the approved Site Development Permit issued pursuant to Paragraph I above.
- W. Wetlands. Wetlands shall be delineated, mitigated, maintained or reconfigured in accordance with the approved site plan and the approved Site Development Permit issued pursuant to Paragraph I above.
- X. Hours of Use. The Property may be in use as follows:
1. As to Permanent Improvements, three hundred sixty-five (365) days a year, twenty-four (24) hours a day.
 2. As to Trade Props, Temporary Structures, Special Improvements and outdoor activities within Areas B and C use may be made between the hours of 6:00 AM to 12:00 AM (Midnight) applicable local time, each day of the year provided (a) no use may be made on New Years Day, Memorial Day, Thanksgiving Day or Christmas Day and (b) any other term of this CUP to the contrary notwithstanding, use may be made a maximum of twelve (12) times in any calendar year for up to seventy-two (72) consecutive hours or such greater time as may be demonstrated to the County as being necessary to qualify the Public Safety Training Facility and its programs for federal or state funding or federal or state certifications of programs. At least forty-eight (48) hours prior notice shall be given to the County Administrator of such extended-hours activities.
- Y. Lighting. Outdoor lighting may be illuminated three hundred sixty-five (365) days a year, twenty-four (24) hours a day provided outdoor lighting shall not exceed 2.00 foot candles at any point of an adjoining parcel. However, in the future if such adjoining parcel is subsequently developed for residential use, upon written notice from the County such outdoor lighting shall not thereafter exceed 0.50 foot candles at any point on any adjoining parcel.

- Z. Fencing. Prior to the use of the Property as a Public Safety Training Facility, other than the Sheriff's Parcel, a perimeter fence or other security improvements shall be located around the entire perimeter of the Property with limited gate access to prevent unauthorized access to the Property. Such fence shall be maintained throughout the term of this CUP.
- AA. Signs. Signs shall comply with UDO standards and requirements.
- BB. Lapse of Time. The provisions of Article 4, Section 4.1.3G of the UDO (Lapse of Time) shall not be applicable.
- CC. Architectural Standards. The provisions of Article 9, Section 9.7 of the UDO (Architectural Standards) shall be applicable to habitable Permanent Improvements solely within Area A, but not applicable to Trade Props, Temporary Structures or Special Improvements except such Architectural Standards shall be applicable to any ancillary improvements directly related to the operation of EVOC such as a garage.
- DD. Permanent Improvements and Special Improvements Permits. All Permanent Improvements and Special Improvements shall comply with the building codes of Lake County, Illinois including building permits and certificate of occupancy requirements.

AREA A

As to Area A, the following uses and structures shall be permitted without further public hearing and the following standards shall apply:

1. Permanent Improvements allowing for offices and training classrooms as well as any accessory uses necessary or appropriate for the operation of a Public Safety Training Facility related thereto shall be permitted.
2. The height of any Permanent Improvement may equal but shall not exceed seventy-five (75) feet.
3. A minimum set back of Permanent Improvements from any public road right-of-way as such right-of-way is configured on the date of the CUP shall not be less than fifty (50) feet or a distance equal to the height of the Permanent Improvement, whichever is greater. All other setbacks on the perimeter boundary of the Property may equal but shall not be less than thirty (30) feet or a distance equal to the height of the Permanent Improvement, whichever is greater.
4. A minimum separation distance between Permanent Improvements shall be equal to but not less than the greater of (a) fifteen (15) feet or (b) as required under the building code of Lake County, Illinois.

5. No Trade Props, Temporary Structures or Special Improvements shall be permitted in Area A.

AREA B

As to Area B, the following uses and structures shall be permitted without further public hearing and the following standards shall apply:

1. Temporary Structures, Trade Props and Special Improvements shall be permitted.
2. Permanent Improvements shall not be permitted.
3. No further site development permit shall be required for Trade Props, Temporary Structures or Special Improvements except for those permit requirements indicated in Paragraph I above. Any detention facility constructed within Area B, may also be used as a dive pond and for the immersing of Trade Props provided the capacity of the detention facility, from time to time, shall never be less than that established by this CUP. Pond cross section standards shall be as shown on the engineering plans attached hereto and incorporated by reference into this CUP. These standards shall take precedence over Pond Cross Section Minimum Standards and Typical Swale Standards set forth in the Lake County UDO.
4. Except as may be required by any governmental unit with jurisdiction other than the County, nonlinear or linear water body protection or buffers shall only be required in accordance with the approved Site Development Permit issued pursuant to Paragraph I above. No maximum Floor Area shall be applicable for Trade Props, Temporary Structures or Special Improvements except for permanent ancillary improvements, such as a garage as part of the EVOC.
5. Except as provided in this CUP, no other permits, approvals or permission from Lake County, Illinois or from any division of Lake County, Illinois shall be required for Trade Props, Temporary Structures or Special Improvements.
6. The provisions of nonconforming use set forth in Article 12 of the Lake County UDO shall not be applicable to Trade Props, Temporary Structures or Special Improvements.
7. The height of any Temporary Structure may equal but shall not exceed one hundred fifty (150) feet.
8. The height of any Trade Prop may equal but shall not exceed one hundred fifty (150) feet.

9. No minimum separation distance shall be required between Trade Props.
10. No minimum separation distance shall be required between Special Improvements unless otherwise required by the building codes of Lake County, Illinois.
11. A minimum separation distance may equal but shall not exceed twenty (20) feet between Temporary Structures provided no minimum separation shall be required if the location of the Temporary Structures are components of a disaster event training session lasting no more than 72 consecutive hours.
12. A minimum separation distance may equal but shall not exceed sixty (60) feet between Trade Props and Temporary Structures provided no minimum separation shall be required if the location of the Temporary Structures or Trade Props are components of a disaster event training session lasting no more than 72 consecutive hours.
13. A minimum separation distance may equal but shall not exceed sixty (60) feet between Permanent Improvements and Special Improvements provided no minimum separation shall be required if the location of the Permanent Improvements or Special Improvements are components of a disaster event training session lasting no more than 72 consecutive hours.
14. A minimum separation distance may equal but shall not exceed twenty (20) feet between Trade Props and Special Improvements provided no minimum separation shall be required if the location of the Trade Props or Special Improvements are components of a disaster event training session lasting no more than 72 consecutive hours or if the Special Improvement is a foundation for a Trade Prop.
15. A minimum separation distance may equal but shall not exceed twenty (20) feet between Temporary Structures and Special Improvements (except for any ancillary improvements directly related to the operation of the EVOC such as a garage for which no minimum separation shall be required) provided no minimum separation shall be required if the location of the Temporary Structures or Special Improvements are components of a disaster event training session lasting no more than 72 consecutive hours.
16. A minimum set back of Permanent Improvements from the perimeter boundary of Area B may equal but shall not be less than thirty (30) feet.

17. A minimum separation may equal but shall not be less than sixty (60) feet between Trade Props and Permanent Improvements.
18. A minimum separation between Permanent Improvements and Temporary Structures may equal but shall not exceed the greater of (a) fifteen (15) feet or (b) such separation as required by the building code in effect on the date of this CUP.
19. A setback for Trade Props, Temporary Structure or Special Improvements from the Property to any parcel to the north, east or west property line of the Property may equal but shall not be less than forty-five (45) feet.
20. A setback for Trade Props or Temporary Structures from the Property to the Russell Road ROW may equal but shall not be less than one hundred (100) feet. Structures taller than seventy-five (75) feet shall be set back not less than three hundred (300) feet from the Russell Road ROW.
21. A helicopter landing pad shall be permitted, subject to a 300 foot front, side and rear setback from the property line.

AREA C

As to Area C, the following uses and structures shall be permitted without further public hearing and the following standards shall apply:

1. Permanent Improvements, Trade Props or Temporary Structures, as well as structures related to the use of the Sheriff's Parcel for a shooting range and other Sheriff's training purposes so long as the Sheriff's Parcel is in the possession of the County or the Lake County Sheriff, shall be permitted.
2. Trade Props, Temporary Structures and Special Improvements shall be permitted if the portion of the Property within Area C is no longer being used and occupied by the County on behalf of the Lake County Sheriff's office.
3. No further site development permit shall be required for Trade Props, Temporary Structure or Special Improvements except for those permit requirements indicated in Paragraph I above.
4. No maximum Floor Area shall be applicable for Trade Props, Temporary Structures or Special Improvements.
5. Except as provided in this CUP, no other permits, approvals or permission from Lake County, Illinois or from any division of Lake County, Illinois shall be required for Trade Props, Temporary Structures or Special Improvements.

6. The provisions of nonconforming use set forth in Article 12 of the Lake County UDO shall not be applicable to Trade Props, Temporary Structures or Special Improvements.
7. The height of any Permanent Improvement, Trade Props, Temporary Structure and Special Improvements may equal but shall not exceed one hundred fifty (150) feet.
8. No minimum separation distance shall be required between Trade Props.
9. A separation distance between Permanent Improvements shall be equal to the greater of (a) fifteen (15) feet or (b) as required under the building code of Lake County, Illinois .
10. No minimum separation distance shall be required between Special Improvements unless otherwise required by the building codes of Lake County, Illinois.
11. A minimum separation distance may equal but shall not exceed twenty (20) feet between Temporary Structures provided no minimum separation shall be required if the location of the Temporary Structures are related to a disaster event training session lasting no more than 72 consecutive hours.
12. A minimum separation distance may equal but shall not exceed sixty (60) feet between Trade Props and Temporary Structures provided no minimum separation shall be required if the location of the Temporary Structures or Trade Props are related to a disaster event training session lasting no more than 72 consecutive hours.
13. A minimum separation distance may equal but shall not exceed sixty (60) feet between Permanent Improvements and Special Improvements provided no minimum separation shall be required if the location of the Permanent Improvements or Special Improvements are related to a disaster event training session lasting no more than 72 consecutive hours.
14. A minimum separation distance may equal but shall not exceed twenty (20) feet between Trade Props and Special Improvements except for any ancillary improvements directly related to the operation of the EVOC such as a garage for which no minimum separation shall be required provided no minimum separation shall be required if the location of the Temporary Structures and Special Improvements are components of a disaster event training session lasting no more than 72 consecutive hours.

15. A minimum separation distance may equal but shall not exceed twenty (20) feet between Temporary Structures and Special Improvements except for any ancillary improvements directly related to the operation of the EVOC such as a garage in which no minimum separation shall be required.
16. A minimum separation may equal but shall not be less than sixty (60) feet between Trade Props and Permanent Improvements.
17. A minimum separation between Permanent Improvements and Temporary Structures may equal but shall conform to the building code of Lake County, Illinois.
18. A helicopter landing pad shall be permitted, subject to a one hundred (100) foot front, side and rear setback from the property line.

GENERAL PROVISIONS

- A. Severability. If any court of competent jurisdiction rules any provision of this CUP invalid, that ruling shall not affect any CUP provision not specifically included in the judgment. If any court of competent jurisdiction rules invalid the application of any provision of this CUP to any particular property, building, other structure, or use, that ruling shall not affect the application of the CUP provisions to any property, building, other structure, or use not specifically included in the judgment.
- B. Conflict in Terms. In the event of a conflict between any of the terms and conditions of this CUP and the terms and conditions of the UDO or any ordinance or regulation of Lake County, the terms of this CUP shall control and prevail as such terms relate solely to the Property. Any such conflict shall be deemed to be, for the purposes of this Ordinance and for the Property, an amendment to any such ordinance or regulation of the County.
- C. County Right to Inspect Property. The County and its authorized representatives may enter the Property or any part thereof at all reasonable times, (provided that no such entry shall be made without reasonable advance notice, except in the case of an emergency where notice shall be given as soon as practical under the circumstances, nor shall any such entry unreasonably interfere with the conduct of the party in possession's activities) for the purpose of confirming the party in possession's compliance with the terms and conditions of this Ordinance.

STATE OF ILLINOIS)
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COUNTY OF LAKE) SS

COUNTY BOARD, LAKE COUNTY, ILLINOIS
September 9, 2008

MADAME CHAIRMAN AND MEMBERS OF THE COUNTY BOARD:

The Lake County Zoning Board of Appeals has conducted a public hearing on the application of Great Lakes Disaster Training Facilities, Inc., and the County of Lake which requests a Conditional Use Permit to allow a Public Safety Training Facility. After due consideration, we hereby recommend by a vote of 6 to 0 that this application be approved subject to the following conditions.

RECOMMENDED CONDITIONS: See Exhibit A

We find this application meets the standards for a Conditional Use Permit in the following manner:

Standard A. The use in its proposed location will be consistent with the stated purpose and intent Section 1.5:

Finding: The *Framework Plan's* Future Land Use map designates the subject property as Government and Institutional and it has Open Space zoning. If the text amendment (ZBA # 3731) creating the use is adopted and allows this use in Open Space zoning, the request will comply with the purpose and intent of Section 1.5

Standard B. The proposed use in its proposed location complies with all applicable standards of this Ordinance, including any applicable Use Standards of Sec. 6.2.

Finding: The proposed use can comply with the proposed amendment to the Ordinance. Many of the requirements typically specified in the UDO are left to the discretion of the County Board at the time the CUP is granted.

Standard C. The proposed use in its proposed location will not have a substantial adverse impact on any of the following, either as they exist at the time of application or as they may be developed in the future due to implementation of the Comprehensive Plan:

1. adjacent property

Finding: Although this area is amongst the most rural in Lake County, nonetheless this use will probably have a substantial adverse impact on the residential subdivision on the south side of Russell Road and the adjacent single-family dwelling on the east. No amount of berming or landscaping can negate this. The nearby residences will be impacted by noise and light, and perhaps air pollution from burning props. Helicopters can have a major impact, depending upon the number of flights and time of day. The adjoining property to the west, which is used for agriculture and has a composting/mulch business, will not be negatively impacted. The property to the north in Wisconsin is open space and farmland.

2. the character of the neighborhood

Finding: The neighborhood is primarily rural in character but contains a range of intensity: the traffic on I-94; passive recreation of the forest preserve; a small, single-family residential subdivision; and farmland. The proposed berm and landscaping will partially buffer the site from Russell Road, and should help maintain the rural character.

3. natural resources

Finding: The only natural resource on the site is a few small wetlands which will be addressed on the development plans.

4. infrastructure

Finding: The facility will be served by private water well and septic system. Access will be from Russell Road in accordance with LCDOT requirements. There will not be a significant impact on infrastructure.

5. public sites

Finding: The general noise; maximum noise levels; lights; helicopter, auto and emergency vehicle traffic; smoke and other impacts may have a detrimental impact on the nearby forest preserve and the future environmental corridor in Wisconsin.

6. any other matters affecting the public health, safety, or general welfare

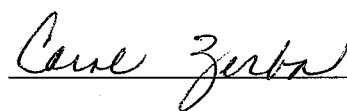
The proposed use will benefit the residents of Lake County and the entire region by providing a training area for first responders. The County Board has the opportunity to impose conditions to help reduce the impacts to nearby properties.

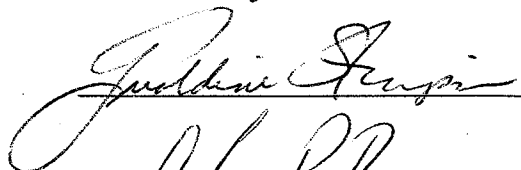
At the close of the hearing held on July 29, 2008, a motion to recommend the requested Conditional Use Permit be approved subject to the above conditions based on the above findings was made by Member Zerba, seconded by Member Raymond, and passed by a vote of 6 to 0. Voting "Aye" were Members Koeppen, Raymond, Reindl, Stimpson, Zerba and Bell; voting "Nay", none.

No. 3732
Newport Township

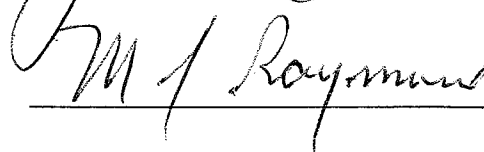

CHAIRPERSON

VICE-CHAIRPERSON


Carol Zerba


Judith Stupin


John P. Leonard


M. J. Raymond

Dated this 14th day of August, 2008.

Summary of Testimony

Zoning Board of Appeals #3732

A public hearing was conducted by the Lake County Zoning Board of Appeals on July 21 and 30, 2008 on the application of County of Lake and Great Lakes Disaster Training Facility, Inc. which requests a Conditional Use Permit to allow Public Safety Training Facility. The subject property contains 80 acres and is located on the north side of Russell Road ¼ mile east of I-94 in northern Newport Township. The following is a summary of the testimony presented.

1. Mr. Matt Guarney, Lake County Construction Manager, testified the subject property is currently used as the Sheriff's shooting range and was leased to the applicant corporation by the County in 2006 for development of a Public Safety Training Facility. The shooting range utilizes about 10 acres leaving about 70 acres for the training facility. This facility will offer training services not available elsewhere to emergency first responders such as police and fireman, and also to utility workers. Exercises could last for up to 72 continuous hours 12 times per year, and 24 hours on any single day.
2. Mr. Fred Feinstein, attorney for the applicant corporation, noted that this area is one of the most rural areas in Lake County. The subject property has been used as the Sheriff's shooting range for at least 20 years and the property is surrounded by farmland with the exception of a small residential subdivision across Russell Road to the south. A 10-12 foot landscaped berm with be installed along Russell Road to shield these residents from the training facility.
3. Mr. Fred Feinstein further testified the southwest corner of the property (approx. 10 ac.) will be improved with permanent facilities such as assembly and class rooms while the northwest corner will remain in use as the Sheriff's shooting range. The remaining approximately 60 acres will be the training area improved with an emergency vehicle training track, garage and a helicopter pad. Also in this area will be a variety of "realistic" training structures and objects such as a burn tower, rubble pile, railroad cars, trenches and collapsible structures. He noted that some of these may be erected, destroyed and re-erected n the same day.
4. Mr. Feinstein further testified that this will be a unique facility offering a wide range of training at a single site. Currently, many of these training facilities are only offered in Champaign which is very expensive and time consuming to attend.
5. Ms. Charmain Myers, nearby resident to the south, testified that although she realizes the need for such a facility, she opposes it due to concerns that it may lower her property value and other factors. This facility would negatively affect the quality of life in her subdivision because of noise, smoke, increased traffic and an unappealing view of the facility. She submitted a letter signed by nine residents of Sterling Estates subdivision opposing this request.

PLANNING, BUILDING & DEVELOPMENT
LAKE COUNTY, ILLINOIS
OFFICE OF THE DIRECTOR



July 25, 2008

MEMORANDUM

TO: George Bell, Chairman
Lake County Zoning Board of Appeals

FROM: Philip Rovang, Director

SUBJ: Case # 3732 CUP Application for the Public Safety Training Facility

Earlier this week the Lake County Zoning Board of Appeals started the CUP process for the proposed public safety training facility being proposed on Russell Road. The application conditions list is extensive but necessary to insure both Great Lakes Disaster Training Facility, Inc. and Lake County have an agreed understanding that will last for years to come.

The staff report, dated July 18, indicated a number of changes to the application that should be considered. What the report does not state as background information is that department staff has worked with the applicants in total support for the future facility. Staff understands how important this facility will be to first responders, police, fire, medics, and others who will benefit from this "live" training. The training costs will be substantially less for police and fire districts and the experience level of the emergency responders will be greater because of this facility.

Since the public hearing on July 21, progress has been made to improve the wording of the list of conditions being reviewed by the ZBA. First regarding Conditions "H" and "I", the following amendment is submitted that replaces the wording on the recommendation page.

- H. Conceptual Site Plan Approval. The Conceptual Site Plan and Site Development Plan prepared by _____ and dated _____ establishing Areas A, B and C are hereby approved.
- I. Site Development Permit Requirements. Recognizing the uniqueness of use and the constant and immediate change in site conditions which are regularly created by training exercises, the Property shall be designed as a self-contained parcel for purposes of the UDO. The Engineering ("Engineering") for the Property reflecting grading, soil erosion/sediment control, wetland delineation, mitigation, maintenance or reconfiguration, impervious surface calculations, floor area standards, natural resource protection standards and stormwater management standards prepared by _____

_____, dated _____ evidencing the establishment of standards for compliance with the UDO is hereby approved. A Site Development Permit consistent with ~~the UDO~~ shall be issued by the County simultaneous with the adoption of this CUP. The Site Development Permit shall remain in full force and effect, without amendment or modification, except upon application by the party in possession of the Property (excluding the Sheriffs Parcel), for a term expiring sixty (60) years following the date of issuance of such Site Development Permit. The improvements shown on the interim plan must be completed and approved by the Engineering and Environmental Services Division (E&ES) prior to the establishment of the use. When work beyond that shown on the interim plan is anticipated, the County Administrator's Office and the E&ES Division must be notified. Detention facilities in accordance with the final plan must be completed and approved prior to proceeding with any additional improvements above and beyond those shown on the interim plan. Upon issuance of such Site Development Permit and based on site plan approval set forth in Paragraph H above, absent federal or state mandates requiring changes to such Site Development Permit, no additional Site Development Permit or site plan approval shall be required provided nothing herein shall limit the County's rights to continue to enforce the terms of such Site Development Permit. The trenching as noted, along with the erosion control on the interim plan, specifically will be considered part of the established use and will not require additional Site Development Permits.

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Second, based on updated advice from the States Attorney's Office, we recommend that all the conditions proposed by the Non-profit organization be considered for inclusion in the list of conditions. (Staff had recommended that some proposed conditions be removed.)

Finally, while staff has proposed the earthen berm along Russell Road be 12 feet high (see Condition # P), staff believes that any increase in height above the 8 feet currently proposed will help buffer the activities from the outside.

As I stated at the Public Hearing on Monday, this application is unique and requires special consideration by the ZBA and full County Board. Their lease with the County is for at least 60 years. Understandably they want certainty of what the County requires while needing flexibility as to possible future uses of the Sheriff's property.

The goal of the Conditional Use permit process is to provide as much of that as possible. I will be at the follow-up public hearing on Tuesday in case you have questions of this memo.

PJR

Summary of Department Comments

Zoning Case #3732

Lake County Health Department:

An Individual Sewage Disposal permit must be obtained prior to construction.

Lake County Division of Transportation:

A Major Access Permit is required which will necessitate the dedication of a 50 ft. half-width ROW for Russell Road. All work within the ROW of Russell Road will require permits from LCDOT.

Lake County Department of Planning, Building and Development

Staff has worked with the applicants in total support for the future facility. We understand how important this facility will be to the first responders and others who will benefit from this "live" training. The training costs will be substantially less for police and fire districts and the experience level of the emergency responders will be greater because of this facility.